

REMARKS/ARGUMENTS

This communication is in response to the Final Office Action dated December 3, 2010. Claims 1-25, 27 and 28 were previously canceled, without prejudice. Claims 33-49 have been canceled herewith, without prejudice. Claims 26, 50 and 51 has been amended. No new matter has been added. Claims 26, 29-32, 50 and 51 remain pending in this application with claim 26 being the only independent claim. Reconsideration is respectfully requested.

Election/Restriction

Claims 33-49 have been withdrawn from consideration and thus are hereby canceled, without prejudice. Applicant retains the right to further prosecute these non-elected claims in a separate divisional application.

Drawing Objection

The drawings have been objected to as failing to include a label indicating "Fig. 2." A replacement sheet is submitted herewith correcting for this omission. No new matter has been added. Approval of the drawing correction and withdrawal of the objection is requested in the next communication.

Abstract Objection

An amended Abstract is submitted herewith to comply with the 150 word limit. No new matter has been added.

Claim Objections

Claims 26 and 50 have been objected to in that the Examiner identified an inadvertent typographical error. The spelling of the term "drageée-making" has been corrected to read "dragée-making." In addition, the dependency of claim 51 has been corrected so that the claim now depends from claim 50 instead of on itself. No new matter has been added.

Claim Rejections Under 35 U.S.C. §112, second paragraph

Claim 51 is rejected under 35 U.S.C. §112, second paragraph, as being vague and

indefinite. Specifically, the Examiner asserts that the location of the phrase “without moving the product in a longitudinal direction” is confusing and unclear what exactly is performed without moving the product in the longitudinal direction.

Applicant respectfully disagrees. The particular operation to be performed on the product while the product itself remains stationary (without being moved in a longitudinal direction) within an individual processing chamber is not critical or necessary to an understanding of the claim. Any treatment or operation such as, but not limited to, drying or spraying of the product can be performed in a particular individual processing chamber within which the product is maintained. Support for this interpretation is found in paragraph [0018] of the specification which provides “With the invention, the residence time of the products can advantageously be extended to any length and the process can be better tailored to individual situations than with conventional dragée drums, where changes to the process are difficult and limited.” Therefore, Applicant maintains that the claim, as it is currently written, is neither confusing nor unclear and respectfully requests that the rejection be withdrawn. If the Examiner still maintains the rejection, Applicant requests that proposed amended language be suggested by way of Examiner’s Amendment that would clarify any confusion in light of the explanatory remarks herein.

Allowed Claims

Claims 26, 29-32 and 50 are allowed.

Allowable Subject Matter

Claim 51 contains allowable subject matter that would be allowed if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph.

For at least the foregoing reasons, Applicants submit that claims 26, 29-32, 50 and 51 are patentable over the prior art of record and requests that the application be passed to issuance.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

By /Christa Hildebrand/
Christa Hildebrand
Reg. No. 34,953
875 Third Avenue - 18th Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844
Facsimile: (212)808-0844

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